

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Hon. Steven W. Rhodes

**BRIEF IN CONCURRENCE OF CREDITORS DWAYNE PROVIENCE,
RICHARD MACK, AND GERALD AND ALECIA WILCOX,
INTERESTED PARTIES, TO DEBORAH RYAN, WALTER SWIFT, CRISTOBAL
MENDOZA and ANNICA CUPPETELLI, INTERESTED PARTIES, SUPPLEMENTAL
BRIEF [Dkt. #5690] IN SUPPORT OF THE INSTANT CREDITORS' PREVIOUSLY-
FILED OBJECTIONS [Dkts. #4224 and #4618] TO DEBTOR, CITY OF DETROIT'S,
PLAN FOR THE ADJUSTMENT OF DEBTS OF THE CITY OF DETROIT, AND
CERTIFICATE OF SERVICE**

NOW COME DWAYNE PROVIENCE, RICHARD MACK, AND GERALD and
ALECIA WILCOX, interested parties, and concur in Interested Parties, DEBORAH RYAN,
WALTER SWIFT, CRISTOBAL MENDOZA and ANNICA CUPPETELLI'S Supplemental
Brief, [Dkt. #5690], in accordance with this Court's Order [Dkt. #5235]. In support of the
instant concurrence, the interested parties state the following:

1. Interested parties, PROVIENCE, MACK, and WILCOX, incorporate by reference
their previously filed objections [Dkt. #4224 and #4618] to the City of Detroit's Plan of
Adjustment and all Amended Plans.

2. Interested party, DWAYNE PROVIENCE, was wrongfully convicted of second-
degree murder in 2001, and spent nearly 10 years in prison as a result of a Detroit police
sergeant's violation of Provience's constitutional right to due process. Specifically, the
individual officer withheld material exculpatory and impeachment evidence from the prosecutor
and defense attorney showing that the police officer, as Officer-in-Charge of the homicide

investigation, knew Provience was not the killer.

3. Interested party, RICHARD MACK, suffered permanent and debilitating back and neck injuries when he was assaulted by two Detroit police officers after seeking their assistance in a domestic violence situation involving his daughter and her boyfriend. MACK has undergone multiple spinal fusion surgeries as a result of the individual officers' use of excessive force.

4. Interested parties GERALD and ALECIA WILCOX, suffered damages as a result of GERALD WILCOX being jailed for two weeks and charged with armed robbery, when the individual officer in charge of the investigation, who knew he had arrested the wrong man, went on vacation while WILCOX was in jail. WILCOX was set free when the officer admitted at the preliminary exam that he knew he had arrested the wrong man.

5. The individual officers in each of the three cases set forth above are being sued in their individual capacities. As set forth in the Ryan Supplemental Brief, [Dkt. #5690], the bankruptcy laws should be manipulated by individual officers to discharge any of their potential debts in the event of an adverse judgment. Moreover, the City's Proposed Plan of Adjustment violates the Constitution of the United States, and the bankruptcy statutes do not trump an individual's right to redress under 42 U.S.C. § 1983.

WHEREFORE, for the reasons stated above, these Petitioners respectfully request that this Court issue an Order stating that the City's Proposed Plan of Adjustment is unconstitutional as to § 1983 Plaintiffs.

Respectfully submitted,

OLSMAN, MUELLER, WALLACE
& MacKENZIE, P.C.

/s/Wolfgang Mueller

WOLFGANG MUELLER (P43728)

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Date: June 30, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2014, I served the following Paper:

Brief in Concurrence of Creditors Dwayne Provience, Richard Mack, and Gerald and Alecia Wilcox, Interested Parties, to Deborah Ryan, Walter Swift, Cristobal Mendoza and Annica Cuppetelli, Interested Parties, Supplemental Brief [Dkt # 5690] in Support of the Instant Creditors' Previously Filed Objections [Dkts. #4224 and #4618] to Debtor, City of Detroit's, Plan for the Adjustment of Debts of the City of Detroit

on the following parties:

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by the following means: the Court's ECF system.

Respectfully submitted,

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